



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 2004-81

December 22, 2004

Waterview Real Estate Inc
PO Box 237
Hollis, NH 03049

RE: DES Wetlands File #2004-02867 Colony Dr, Barnstead

Dear Sirs:

On November 23, 2004, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Barnstead Tax Map 39 as Lot 177 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection the following deficiencies were documented:

1. 20 ft x 12 ft section of unpermitted fill within a wetland, used as a crossing for machinery.
2. Failing silt fence between the crossing and the adjacent wetland.
3. Unstable soils and lack of erosion controls adjacent to wetlands and stream.

In response, you are requested to take the following actions:

1. By **January 1, 2004** complete the following:
 - a. Install silt fencing to contain all fill/exposed soils.
 - b. Repair the existing silt fencing.
 - c. Place and properly secure erosion control matting on the unstabilized bank of fill on the eastern side of the property.
 - d. Mulch all other exposed soils.
2. By **January 5, 2004** submit photographs to the department mounted on 8.5" x 11" white paper documenting the completion of #1.
3. By **January 31, 2004** submit a restoration plan to DES for review and approval. Have the restoration plan prepared and stamped by a certified wetland scientist. The plan should include provisions to restore all impacted wetlands and stabilize all soils on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed description of:
 1. how fill will be removed from the wetlands without further impacting jurisdictional areas;
 2. where the fill will be placed; and
 3. the efforts to be taken to minimize disturbance of the underlying hydric soils to the greatest extent practicable.
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated start date of work and restoration compliance date.
 - e. A planting plan including a detailed description of the proposed wetland seed mix and plantings to be used to revegetate the restoration area and control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);

- f. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include monitoring progress reports until the site is stabilized and 75% growth is achieved.
4. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
5. Implement the restoration plan only after receiving written approval and as conditioned by DES.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

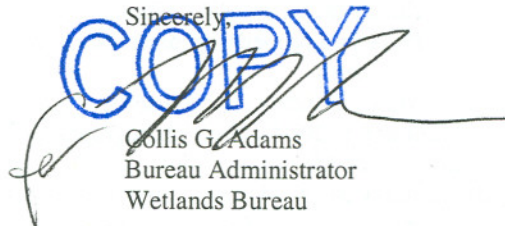
DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Stacey Herbold, Compliance Inspector
Wetlands Bureau
Department of Environmental Services
29 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Stacey Herbold at (603) 271-4062.

Sincerely,

Collis G. Adams
Bureau Administrator
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0003 0696 0800

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen R. Hamel, Administrator, DES Legal Unit ✓
Barnstead Conservation Commission
Barnstead Board of Selectmen
USACOE
Locke Lake Colony Association, c/o Linda J. Roney-Clairmont